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April 27, 2000

BY FEDERAL EXPRESS

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street SW, Suite TW-A325
Washington, DC 20554

Subject: Supplemental Filing for Oregon's Expedited Delegated Authority for Number Conservation Measures; Docket CC 96-98
DOJ File No.: 860-105-GP0268-99

Dear Ms. Salas:

Enclosed for filing is the original and five copies of the Oregon Public Utility Commission's Supplemental Filing for Expedited Delegated Authority for Number Conservation Measures.

Please file-stamp one copy and return to me in the enclosed self-addressed stamped envelope. Thank you for your courtesies in this matter.

Sincerely,

Teya M. Penniman
Assistant Attorney General
Regulated Utility & Business Section

Enclosure
cc: Aaron Goldberg, FCC
Commissioners, Oregon Public Utility Commission

TXP:txp/GEN48743.DOC

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Petition for Declaratory Ruling and Request for Expedited Decision For Authority to Implement Number Conservation Measures	NSD File No. L-97-42
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	CC Docket No. 96-98

SUPPLEMENTAL FILING IN THE MATTER OF THE PETITION OF THE OREGON PUBLIC UTILITY COMMISSION FOR EXPEDITED DELEGATION OF AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES

I. BACKGROUND

On March 8, 2000, the Oregon Public Utility Commission (OPUC or Oregon) petitioned the Federal Communications Commission (FCC) for additional delegated authority to implement certain number conservation measures, including thousands-block number pooling.[1] On March 17, 2000, the FCC adopted new policies and rules designed to create national standards for numbering resource optimization.[2]

As one part of the overall nationwide resource optimization strategy, the FCC mandated thousands-block number pooling for all carriers that are currently required to be Local Number Portability (LNP)-capable.[3] The FCC also concluded that thousands-block number pooling should be administered by a single national pooling administrator in order to ensure consistency, uniformity and cost-effectiveness.[4] However, because of

[1] Petition of the Oregon Public Utility Commission for Expedited Delegation of Authority to Implement Number Conservation Measures; NSD File No. L-97-42; CC Docket No. 96-98 (*Oregon Petition*).

[2] Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rule Making*; FCC 00-104, CC Docket No. 99-200 (*Report and Order*), 2000 WL 339808.

[3] *See Report and Order* at ¶ 125.

[4] *Id.* at ¶ 128.

expected delays associated with selection of a pooling administrator and national implementation, the FCC decided to allow continued individual pooling trials by granting states' requests for additional delegation of authority.[5] Oregon appreciates both the FCC's demonstrated commitment to adopting the standards in an expeditious, yet thoughtful manner, and the FCC's recognition of optimization gains possible through immediate state action.

For states with pending petitions, such as Oregon,[6] the FCC determined it would require a showing of specific criteria before granting a request for additional authority to implement number pooling.[7] A state petition must demonstrate that: 1) an area code or Numbering Plan Area (NPA) is in jeopardy; 2) the NPA in question has a remaining life span of at least a year; and 3) the NPA is in one of the largest 100 Metropolitan Statistical Areas (MSAs), or alternatively, the majority of wireline carriers in the NPA are local number portability (LNP)-capable. Even if a state cannot meet all three criteria, the FCC may authorize pooling in NPAs if the state can by "special circumstances" show that pooling would be of benefit in that NPA. If the petition filed by the state did not address the new criteria, a supplemental filing is necessary.[8] The purpose of this filing is to establish that Oregon should be granted authority to implement statewide thousands-block number pooling trials.

II. FCC REQUIREMENTS

Oregon is requesting additional authority to implement thousands-block number pooling trials in both the 541 and 503 and area codes. (Exhibit A).

A. 541 Area Code

Oregon's 541 area code is currently in jeopardy. In 1995, the 541 area code was added to the single existing code, 503, to serve central and eastern Oregon areas. On January 7, 2000, the North American Number Pooling Administrator (NANPA) declared the 541 code to be in a jeopardy situation and projected 30 months, or until 2nd Quarter, 2002, until exhaust.[9] Thus, the 541 area meets the first of the FCC's two requirements.

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[5] *Id.* at ¶ 169.

[6] *Id.*. n. 405.

[7] *Id.* at ¶ 170.

[8] *Id.*

[9] This information can be accessed at www.nanpa.com/jeopardy_declaration_table.html

The 541 area code does not include one of the 100 top MSAs. The majority of wireline carriers in the 541 area are currently LNP-capable with regard to hardware. The switch designs of the four largest carriers[10] in the area are state-of-the-art. These four carriers account for approximately 91% of the access lines in the 541 area code.[11] United Telephone Company of the Northwest dba Sprint is fully LNP-capable throughout the state and OPUC estimates that US WEST Communications, Inc, the largest service provider in the state, is approximately one-half fully capable in the area. Carriers in some rural areas have been hesitant to incur software or administrative expenses to finish upgrading their systems until a specific request for access arises. However, once a competitive service provider enters an area, the incumbent must offer number portability.[12]

Given the technological readiness of the carriers in the 541 area, OPUC believes this NPA meets either the letter or the spirit of the FCC's requirement that a majority of the carriers be LNP-capable. If, however, the FCC concludes that the 541 area does not meet the "LNP-capable" criterion, OPUC believes that special circumstances justify a grant of delegated authority to implement thousands-block number pooling trials.

Geographically, the area is a mix of urban and rural areas, and the 541 area covers more than 80% of the state. The rural nature and physical size of the area means that there are numerous small rate centers. The area is continuing to experience rapid growth in number resource demand, with some competitive service providers requesting as many as 46 codes to prepare for competitive entry. OPUC is working with industry to consolidate rate centers,[13] but Oregon needs both consolidation and number pooling to effectively address number conservation in this area.

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[10] US WEST Communications, Inc., GTE Northwest Incorporated (GTE), CenturyTel of the Northwest, Inc., and United Telephone Company of the Northwest dba Sprint (United).

[11] Within the 541 NPA, USWC has 47 rate centers and 583,750 access lines; GTE has 20 rate centers and 86,419 lines; CenturyTel has 51 rate centers and 71,742 access lines; and United has 19 rate centers with 54,651 lines. The total number of access lines within the area code is approximately 874,300.

[12] *See* OPUC Dockets CP 1, 14, 15, Order 96-021 (1996). In 1993, the Oregon legislature established that the OPUC could authorize competitive entry by telecommunications providers into existing local exchange service areas if the OPUC determined such entry to be in the public interest. ORS 759.050. In 1996, OPUC recognized that number portability as an interconnection service that is essential to the development of effective local exchange competition. When OPUC first certified additional providers of local exchange telecommunications services in existing service areas in the Portland region, it required the existing LECs to offer interim number portability through the use of remote call forwarding or directory number route indexing technology. Since then, additional certifications granted to competitive service providers have required the incumbent local exchange carriers to offer number portability capability. *See* OPUC Dockets 132, 139, 149, Order 96-340 (1996) (opening up the remaining areas of the state to competitive service providers).

[13] *See* OPUC UM 953, Order 99-729 (1999).

B. 503 Area Code

The 503 code was in jeopardy with a projected exhaust date of 1st Quarter, 2000 until the OPUC adopted the 971 area code overlay for most of the 503 area. While Oregon fully intends to deploy the 971 overlay, the area remains in transition to an overlay mode. The 503/971 overlay area has a projected exhaust date of 2007; the coastal area without overlay has an exhaust date of 2nd Quarter, 2002.

The 503 area includes the Portland Metropolitan Area, one of the top 100 MSAs. Additionally, the majority of the wireline carriers in the 503 area are LNP-capable.[14] Although the 503 area is not currently in jeopardy, number pooling in the 503 area would allow OPUC to maximize the potential of the overlay relief, while increasing efficiency gains by implementing statewide pooling trials. As noted above, thousands-block number pooling and rate center consolidation complement each other and should proceed in tandem.

The Oregon Public Utility Commission respectfully submits that it has met either the specific criteria outlined by the Federal Communications Commission or the "special circumstances" test so as to warrant granting its request for additional delegated authority to begin thousands-block number pooling trials in the 541 and 503 area codes.

DATED this 27th day of April, 2000, at Salem, Oregon.

OREGON PUBLIC UTILITY COMMISSION

RON EACHUS, Chairman

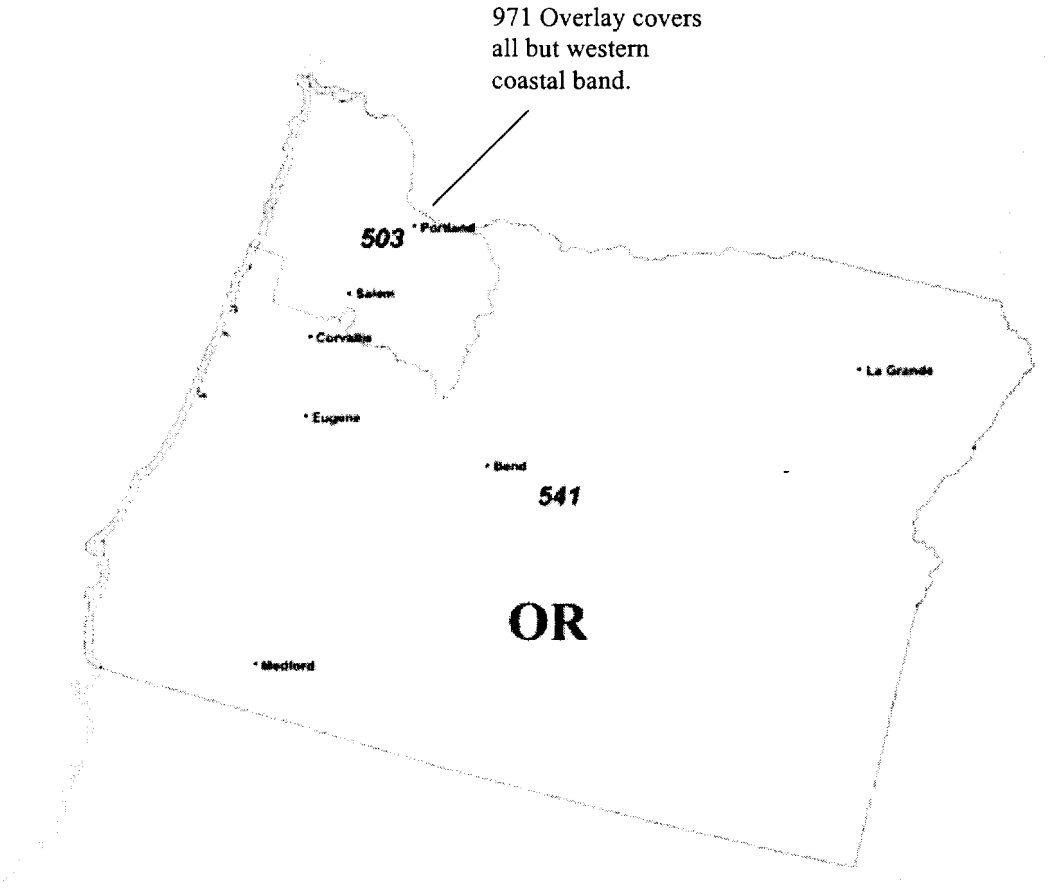
ROGER HAMILTON, Commissioner

COMMISSIONER SMITH WAS UNAVAILABLE FOR SIGNATURE

JOAN SMITH, Commissioner

Oregon Public Utility Commission
550 Capitol Street NE
Salem, OR 97310-1380

[14] The FCC ordered that all telecommunications carriers, including incumbent LECs and competitive providers, provide LNP in the 100 largest Metropolitan Statistical Areas (MSAs) according to a phased deployment schedule. The scheduled implementation date for the Portland MSA was September 21, 1998. *See* OPUC UM 826, Order 98-339 (1998).



Oregon Area Codes

From NANPA: Number Resource Information: Area Code Maps at
http://www.nanpa.com/number_resource_info/area_code_maps.html